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LS 5-1518b

1 September 1955

MEMORANDUM FOR: Acting Deputy Director (Support)

SUBJECT : Excess Shipping Charges - [REDACTED] 25X1A9a

REFERENCE : Memorandum from OGC to DD/8 dated 22 July 1955,
Same Subject

1. In our memorandum of 22 July we stated that there was no legal basis on which to reimburse [REDACTED] for shipping charges incurred through inadvertently shipping household effects in excess of his maximum weight allowance. The gross weight allowance was 3,000 pounds while his effects weighed over 6,000 pounds. In our previous opinion we stated that upon arrival in [REDACTED] his shipment was verified to weigh 6,315 pounds, approximately 2,200 pounds being attributed to packing and crating materials. It appears that we reversed the figures and that the Field reported to the Office of Communications that the net weight was approximately 2,200 pounds and the remainder was packing and crating materials. The Field Station was asked to verify its original figures but replied on 24 August that accurate weights were not available.

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2. The Office of Logistics reports that 40% of gross weight is usually allowed for packing and shipping materials (tare weight). Experience shows that in some cases tare weight may be a much higher per cent of the gross. In this case the weights reported by the Field allow approximately 60% tare weight. This is not unreasonable, but it is considered more likely that the figures were transposed by the Field in reporting them. If such is the case, the division of net, tare and gross weights is normal. As a further check, OL/TD asked a disinterested storage company to make an estimate based on [REDACTED] inventory. This company had no knowledge of the parties or particular problem in question. It estimated that the shipment should weigh about 7,500 pounds gross, 3,000 pounds tare and 4,500 pounds net.

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3. The above is offered only as an explanation of how the excess charges may have been incurred. It does not change our previous conclusion that the circumstances of the case offer no legal ground on which the Agency may relieve [REDACTED] of the charges assessed for excess weight.

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4. If [REDACTED] feels that he is entitled to reimbursement for his loss, his rights lie against the [REDACTED]. However, 25X1A5a1 he should consider the following facts:

- a. Even if the original weight distribution reported by the Field is correct, the tare weight is not so high a proportion of the gross as to be unreasonable.
- b. An estimate is not a bid and charges must be based on standard tariffs.

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- c. The [REDACTED] has stated that they did not inspect the goods prior to pickup and that all business transactions were done by telephone. They did not weigh the goods prior to packing.

5. In view of the facts known to us, we affirm our opinion of 22 July that there is no legal basis on which the Agency may relieve [REDACTED] of the excess shipping charges. Neither do the facts seem to present grounds for recovery by [REDACTED] in an action against the [REDACTED].

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Att: DD/S 55-1477 memo fr
OGC, same subject, 22 Jul 55
Memo fr D/LO to DD/S, same
subject, 11 Aug 55

[REDACTED]
Office of General Counsel

OGC/EDIA:mkw

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